

Supplemental Memorandum

To: STATE BOARD MEMBERS

Date: May 7, 2003

From: Camille Maben and Diane Levin

Re: ITEM # 7

Subject NO CHILD LEFT BEHIND

This standing item will allow CDE and SBE staff to brief the board on timely topics related to NCLB. Topics for discussion include an update on the NCLB Accountability Workbook, the May Submission, Persistently Dangerous Schools, the Integration of the State and Federal Accountability Programs, specifically an update on Statewide System of School Support (S4). Additionally a discussion of the review and approval process for the Local Education Plans will be held.

Attachments include: May Submission
Letter Regarding Persistently Dangerous Schools
LEA Timeline



JACK O'CONNELL
State Superintendent of Public Instruction

REED HASTINGS
President, California State Board of Education

**CALIFORNIA
DEPARTMENT
OF
EDUCATION**

1430 N Street

P. O. Box 944272

Sacramento, CA

94244-2720

May 1, 2003

Eugene W. Hickok
Office of the Under Secretary
U.S. Department of Education
400 Maryland Ave., SW, Room 6W324
Washington, D.C. 20202-6400

Dear Under Secretary Hickok:

Enclosed for your review and approval is California's Consolidated State Application for state grants under Title IX, Part C, Section 9302 of the Elementary and Secondary Education Act (Public Law 107 – 110). It contains information and data for each of the required components for the May 1, 2003, submission to the U.S. Department of Education (USDE). The application complements and reinforces California's Accountability Workbook submission of January 31, 2001; specific follow-up components to our Accountability Workbook are being submitted under separate cover.

In compliance with USDE's instructions for completing the Consolidated State Application, California's submission includes the following components:

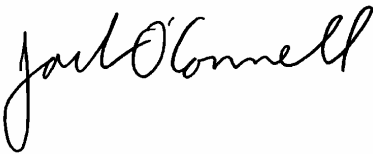
- Baseline Data for Performance Indicators 1.1, 1.2, 2.2, and 2.3
- Performance Targets for Performance Indicators 1.1, 1.2, 2.2, and 2.3
- Baseline Data and Performance Targets for Performance Indicator 1.3
- Evidence of Adoption of Content Standards in English-language Arts and Mathematics
- Evidence of the Adoption of Content Standards in Science
- Timeline of Major Milestones for Development and Implementation of Assessments in Science (per Section 1111(b)(3))
- Evidence of Development and Implementation of assessments in Mathematics and English-Language Arts (per Section 1111(b)(3))
- Evidence of Academic Achievement Standards in Mathematics, English-language Arts, and Science (per Section 1111(b)(3))

Eugene W. Hickok
May 1, 2003
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As of this date, the State has *not* received its official letter from USDE in response to our February 2003 Peer Review. We did, however, have a telephone conference call with USDE staff in which several areas of concern resulting from the Peer Review process were identified and discussed. Once we receive the official feedback from our Peer Review follow-up letter, the State may submit additional modifications to fully address and resolve any identified issues.

California is proud of the progress we have made in the implementation of the No Child Left Behind (NCLB) Act of 2001. We are pleased for the opportunity to continue to work in partnership with USDE as we lead our students to achieve the goals that form the basis of NCLB.

Sincerely,



JACK O'CONNELL
State Superintendent of Public Instruction



REED HASTINGS
President, State Board of Education

JO:dl
Enclosures

CALIFORNIA'S CONSOLIDATED STATE APPLICATION

**for State Grants under Title IX, Part C, Section 9302 of the Elementary and Secondary
Education Act (Public Law 107-110)**

**Submitted by
the California State Board of Education
in association with the
California State Superintendent of Public Instruction**

**Sacramento, CA
May 1, 2003**

A. ESEA GOALS, ESEA INDICATORS, STATE PERFORMANCE TARGETS

Baseline Data for Performance Indicators 1.1, 1.2, 2.2, and 2.3

In the following charts, please provide baseline data from the 2001-2002 school year test administration. States should provide baseline data on the percentage of students scoring at the proficient or advanced levels for those grades in which the State administered mathematics and reading/language arts assessments during 2001-2002.

BASELINE STUDENT ACHIEVEMENT DATA

Grades 2 - 8

1.1 Performance indicator: The percentage of students, in the aggregate and for each subgroup, who are at or above the proficient level in **English-language arts** on the State's assessment. (These subgroups are those for which the ESEA requires State reporting, as identified in NCLB Section 1111(h)(1)(C)(i).)

Note: All numbers in the 1.1 performance indicator are based on grades 2-8.

Aggregate (data based on spring 2002 testing): 32.0

<u>Groups</u>	<u>Subgroup Percentage</u>
African American	19.6
American Indian or Alaska Native	28.1
Asian	51.0
Filipino	45.3
Hispanic or Latino	16.2
Pacific Islander	27.6
White	50.7
Socioeconomically disadvantaged	16.3
English language learners*	13.1
Students with disabilities	9.7
Male**	29.0
Female**	35.2
Migrant**	7.9

*Reflects inclusion of students redesignated as fluent English proficient (R-FEP).

**Required for performance goals only; not required for AYP determination.

Grades 2 - 8

1.2 Performance Indicator: The percentage of students, in the aggregate and in each subgroup, who are at or above the proficient level in **mathematics** on the State's assessment. (These subgroups are those for which the ESEA requires State reporting, as identified in NCLB Section 1111(h)(1)(C)(i).)

Note: All numbers in the 1.2 performance indicator are based on grades 2-8.

Aggregate (data based on spring 2002 testing): 33.8

<u>Groups</u>	<u>Subgroup Percentage</u>
African American	18.1
American Indian or Alaska Native	27.8
Asian	60.5
Filipino	46.6
Hispanic or Latino	20.2
Pacific Islander	29.7
White	48.9
Socioeconomically disadvantaged	20.7
English language learners*	21.0
Students with disabilities	12.1
Male**	34.1
Female**	33.1
Migrant**	14.4

*Reflects inclusion of students redesignated as fluent English proficient (R-FEP).

** Required for performance goals only; not required for AYP determination.

Grade 10

1.1 Performance indicator: The percentage of students, in the aggregate and for each subgroup, who are above the proficient level in **English-language arts** on the State's assessment. (These subgroups are those for which the ESEA requires State reporting, as identified in NCLB Section 1111(h)(1)(C)(i).)

Note: All numbers in the 1.1 performance indicator are baseline for grade 10.*

Aggregate:	28.5
<u>Groups</u>	<u>Subgroup Percentage</u>
African American	15.4
American Indian or Alaska Native	25.2
Asian	43.4
Filipino	37.3
Hispanic or Latino	12.7
Pacific Islander	22.0
White	45.4
Socioeconomically disadvantaged	11.3
English language learners**	9.6
Students with disabilities	2.8
Male***	23.4
Female***	33.9
Migrant***	6.5

*Estimated based on grade 9 data. Will be updated when full census data are available for 2003.

**Reflects inclusion of students redesignated as fluent English proficient (R-FEP).

*** Required for performance goals only; not required for AYP determination.

Grade 10

1.2 Performance Indicator: The percentage of students, in the aggregate and in each subgroup, who are at or above the proficient level in **mathematics** on the State's assessment. (These subgroups are those for which the ESEA requires State reporting, as identified in NCLB Section 1111(h)(1)(C)(i).)

Note: All numbers in the 1.2 performance indicator are baseline for grade 10.*

Aggregate: 25.4

<u>Groups</u>	<u>Subgroup Percentage</u>
African American	10.3
American Indian or Alaska Native	21.9
Asian	52.1
Filipino	32.8
Hispanic or Latino	10.2
Pacific Islander	20.2
White	39.4
Socioeconomically disadvantaged	10.7
English language learners**	11.5
Students with disabilities	3.5
Male***	26.8
Female***	24.0
Migrant***	6.7

*Estimated based on grade 9 data. Will be updated when full census data are available for 2003.

**Reflects inclusion of students redesignated as fluent English proficient (R-FEP).

*** Required for performance goals only; not required for AYP determination.

Performance Targets for Performance Indicators 1.1, 1.2, 2.2, and 2.3

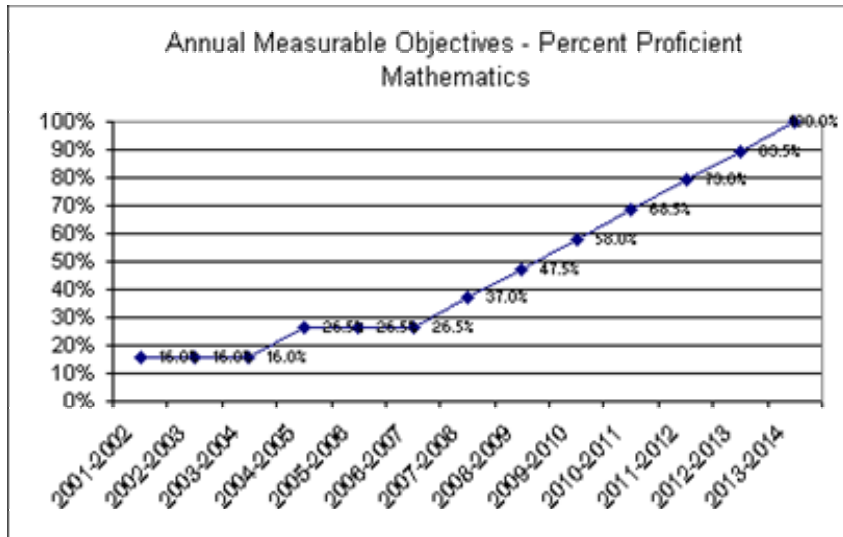
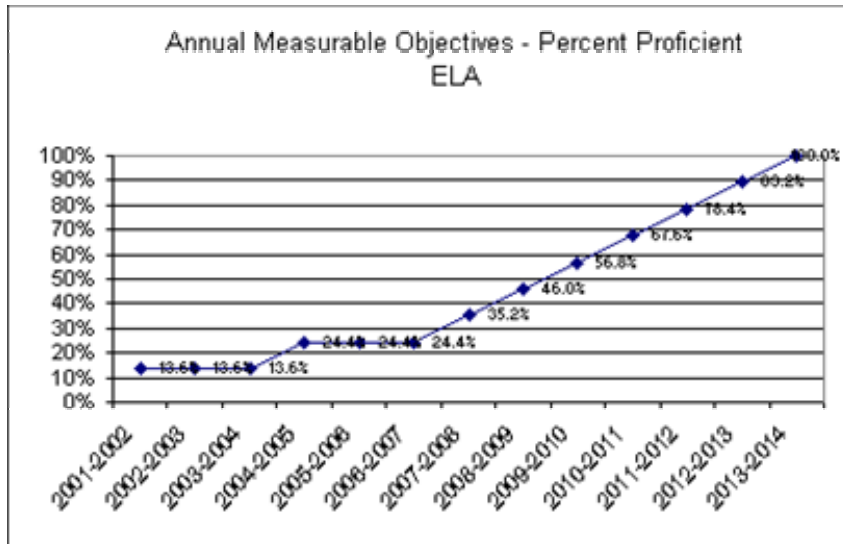
Please provide performance targets for the percentage of students who will be at or above the proficient level in mathematics and reading/language arts on the State's assessment, consistent with the State's annual measurable objectives. At the top of each set of charts, please indicate the grades levels to which your annual measurable objectives apply.

STATE PERFORMANCE TARGETS (ANNUAL MEASURABLE OBJECTIVES) Grades 2 - 8

7 intermediate objectives, designated by asterisks

Annual Measurable Objectives – Percent at or above Proficient

English-language arts	Year	Mathematics
0.136	2001-2002	0.160
0.136	2002-2003	0.160
0.136	2003-2004	0.160
0.244	2004-2005	0.265*
0.244	2005-2006	0.265
0.244	2006-2007	0.265
0.352	2007-2008	0.370*
0.460	2008-2009	0.475*
0.568	2009-2010	0.580*
0.676	2010-2011	0.685*
0.784	2011-2012	0.790*
0.892	2012-2013	0.895*
1.000	2013-2014	1.000

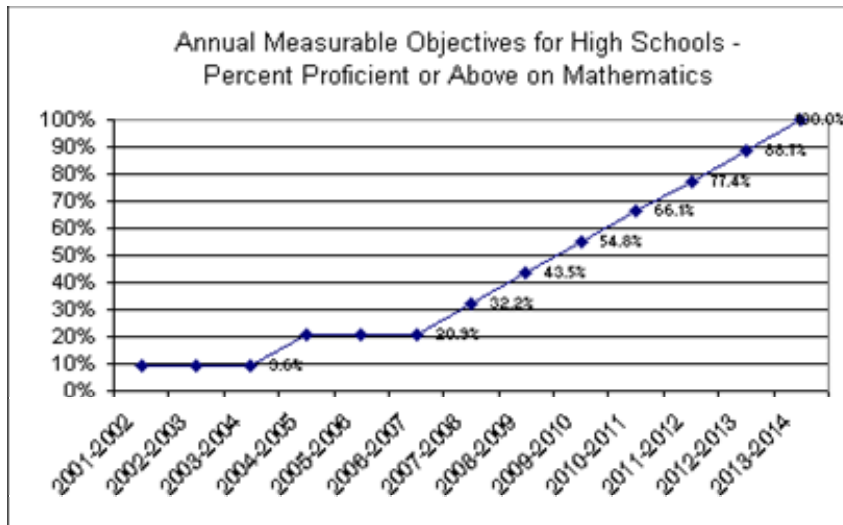
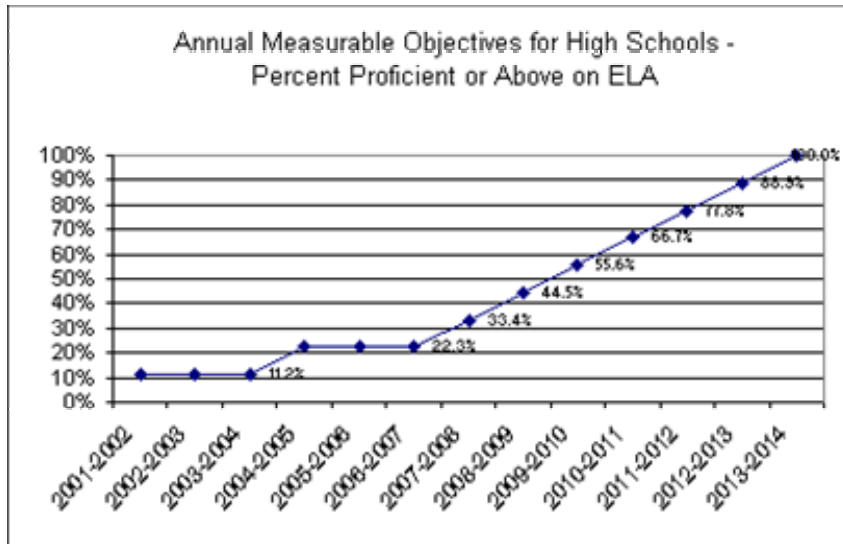


STATE PERFORMANCE TARGETS (ANNUAL MEASURABLE OBJECTIVES) High School

7 intermediate objectives, designated by asterisks

Annual Measurable Objectives for High Schools - Percent Proficient or Above

English-Language Arts	Year	Mathematics
0.112	2001-2002	0.096
0.112	2002-2003	0.096
0.112	2003-2004	0.096
0.223	2004-2005	0.209*
0.223	2005-2006	0.209
0.223	2006-2007	0.209
0.334	2007-2008	0.322*
0.445	2008-2009	0.435*
0.556	2009-2010	0.548*
0.667	2010-2011	0.661*
0.778	2011-2012	0.774*
0.889	2012-2013	0.887*
1.000	2013-2014	1.000



Baseline Data and Performance Targets for Performance Indicator 1.3

Please provide baseline data and performance targets for the percentage of Title I schools that make adequate yearly progress. For baseline data, please indicate the percentage of Title I schools that made adequate yearly progress in the 2001-2002 school year, based upon the 2001-2002 school year test administration. For performance targets, please indicate the percentage of Title I schools that will make adequately yearly progress from the 2002-2003 school year through the 2013-2014 school year.

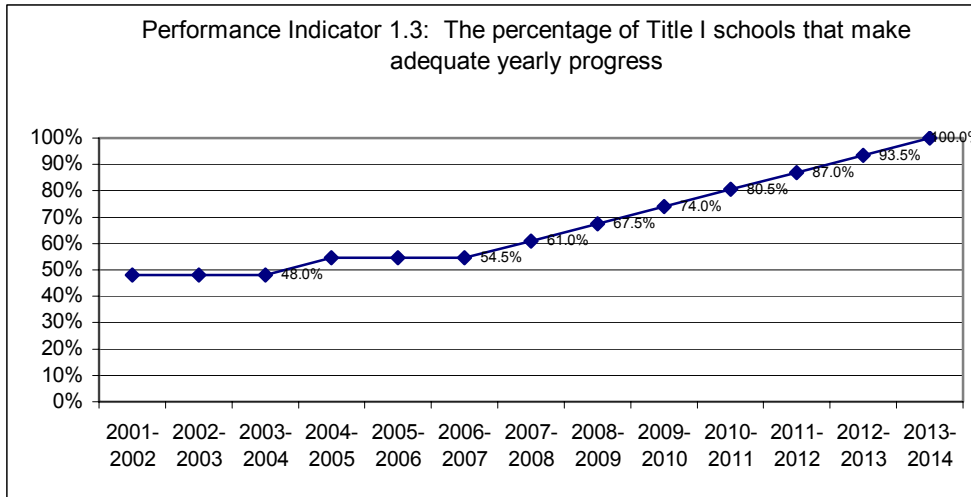
1.3 Performance indicator: The percentage of Title I schools that make adequate yearly progress.

A total of **48%** (2,438 of 5,077) of Title I schools met AYP based on spring 2002 assessment results.

Note: In 2002, AYP was synonymous with the Academic Performance Index (API), but defined differently by type of Title I funding. Schools designated as Schoolwide Programs (SWP) achieved AYP if they made their schoolwide API growth target and the growth targets for all numerically significant subgroups. Schools in the upper half of the API distribution that were Targeted Assistance Schools (TAS) achieved AYP if they made the API growth target for their socio-economically disadvantaged subgroup.

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Baseline Data and Targets	Percentage of Title I Schools Making Adequate Yearly Progress
2001-2002 Baseline	48.0%
2002-2003 Target	48.0%
2003-2004 Target	48.0%
2004-2005 Target	54.5%
2005-2006 Target	54.5%
2006-2007 Target	54.5%
2007-2008 Target	61.0%
2008-2009 Target	67.5%
2009-2010 Target	74.0%
2010-2011 Target	80.5%
2011-2012 Target	87.0%
2012-2013 Target	93.5%
2013-2014 Target	100%



B. STATE ACTIVITIES TO IMPLEMENT ESEA PROGRAMS

1a. Please provide evidence that the State has:

- **adopted challenging content standards in reading/language arts and mathematics at each grade level for grades 3 through 8, consistent with section 1111(b)(1).**

California's Standards for English-Language Arts and Mathematics

California's implementation of challenging academic content standards began in December 1997, when the California State Board of Education (SBE) adopted content standards for English-language arts and mathematics. These standards contain coherent and rigorous content and specify what students are expected to know and be able to do. California's world-class standards were developed for *all* students and can be attained by *all* students given the appropriate standards-aligned instruction, sufficient time, and intervention when necessary.

All of California's grade-level academic content standards can be viewed via the Internet on the California Department of Education web site at:

<http://www.cde.ca.gov/standards/>

1b. Please provide a detailed timeline for major milestones for adopting challenging academic content standards in science that meet the requirements of section 1111(b)(1).

California's Standards for Science

California's State Board of Education adopted challenging academic content standards in science in 1998. These standards contain coherent and rigorous content and specify what students are expected to know and be able to do in science. California's world-class standards were developed for *all* students and can be attained by *all* students given the appropriate standards-aligned instruction, sufficient time, and intervention when necessary.

All of California's grade-level academic content standards can be viewed via the Internet on the California Department of Education web site at:

<http://www.cde.ca.gov/standards/>

1c. Please provide a detailed timeline of major milestones for the development and implementation, in consultation with LEAs, of assessments in science that meet the requirements of section 1111(b)(3) in the required grade levels.

**Proposed Timeline of Tasks and Events for the
Development of the Middle (grades 6-9) and
High School (grades 10-12) Core Knowledge Science Tests**

Date	Responsibility	Task
April 2003	ETS	Prepare scope of work and cost proposal for development and implementation of tests
May 2003	SBE	Approve scope of work and cost proposal
June 2003	CDE	Secure funding and Department of Finance approval for test development and program implementation
July/August 2003	CDE/SBE	Identify and select members to assist the Science Content Review Panel (CRP)
November 2003	Committee	Develop recommendations for test content and grade levels for test administration
January 2004	SBE	Approve test content and grade levels for test administration
February 2004	ETS	Develop preliminary blueprints for committee review
March 2004	Committee	Consider and recommend blueprints to SBE
April 2004	SBE	Adopt blueprints
May/June 2004	ETS	Develop test items
July 2004	CRP	Review items for accuracy and alignment to standards
August 2004	SPAR Panel	Review items for issues of privacy
August 2004	ETS	Build field test forms and prepare directions for administration
October 2004	CDE	Review field test lasers
November 2004	ETS	Print field test forms
Spring 2005	ETS	Administer field tests at designated grade levels
May/June 2005	ETS	Continue development of test items
July 2005	CRP	Review items for accuracy and alignment to standards
August 2005	SPAR Panel	Review items for issues of privacy

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Date	Responsibility	Task
August 2005	ETS	Build operational forms including field test items
Spring 2006	STAR Contractor	Administer operational forms including field test items
May/June 2006	STAR Contractor	Continue development of test items
July 2006	CRP	Review items for accuracy and alignment to standards
August 2006	SPAR Panel	Review items for issues of privacy
August 2006	CDE	Report tests results of Spring 2006 Administration
August 2006	STAR Contractor	Complete technical manual
September 2006	STAR Contractor	Organize and supervise standard setting following operational administration and recommend performance levels to SBE/CDE
October 2006	SBE	Approve performance levels
November 2006	SBE	Hold public hearings on approved performance levels
December 2006	SBE	Adopt performance levels
January 2007	CDE	Apply performance levels retroactively and send results to districts
Spring 2007	STAR Contractor	Administer second operational test
August 2007	CDE	Report results using adopted performance levels
August 2007	CDE	Use results to calculate new base science API

1c. Please provide a detailed timeline of major milestones for the development and implementation, in consultation with LEAs, of assessments in mathematics and reading/language arts that meet the requirements of Section 1111(b)(3) in the required grade levels.

The chart on the following page lists the assessments already developed and implemented for use in California's current system of assessment and accountability in English-language arts and mathematics. Each of these assessments, which are aligned with the California's adopted content standards in English-language arts and mathematics, were developed and adopted in consultation with LEAs and fulfill the requirements of Section 1111(b)(3) for all required grade levels.

**CALIFORNIA
ASSESSMENTS
in English-Language Arts
& Mathematics**

<i>CA Standards Tests</i>	<i>CA High School Exit Exam</i>	<i>CA English Language Development Test</i>
Standards-based	Standards-based	Standards-based
Grades 2 - 11	Grades 10 - 12	Grades K - 12
<p>English-language Arts Mathematics</p> <p>Grades 4, 7:</p> <p>Written Composition</p>	<p>English-Language Arts Mathematics</p> <p>For 2002-03</p> <p>Grade 10: Required</p> <p>Grades 11-12: For those not passing one or both parts</p>	<p>K - 1:</p> <p>Listening Speaking</p> <p>Grades 2 - 12:</p> <p>Listening Speaking Reading Writing</p>
Results:	Results:	Results:
<p>Individual School District County State</p>	<p>Individual School District County State</p>	<p>Individual School District County State</p>

1d. Please provide a detailed timeline for major milestones for setting, in consultation with LEAs, ACADEMIC ACHIEVEMENT STANDARDS in mathematics, reading/language arts, and science that meet the requirements of section 1111(b)(1).

As indicated on page 12 of California's Accountability Workbook, California's State Board of Education approved performance levels on the California Standards Tests (CSTs) in 2001. Five performance levels were adopted:

- **Advanced**
- **Proficient**
- **Basic**
- **Below basic**
- **Far below basic**

Sensitivity to gains at the lower levels was one major concern that prompted the adoption of five performance levels, rather than the minimum of three required by NCLB.

Elementary and middle schools: Results from the CSTs will be used to determine the percentage of students scoring at the "proficient" level or above for all elementary and middle schools.

High schools: California proposes to use results from the California High School Exit Examination (CASEE) to establish AYP for high schools. Currently, CASEE test results are evaluated on the basis of pass/no pass. California will identify the three required achievement levels for the CASEE as part of a technical process that will be completed by May 2003. It is anticipated that the baseline results for high schools will be roughly equivalent to the elementary and middle school results. Evidence of setting the achievement levels was submitted to the Peer Review team.

ATTACHMENT 1

Provisions, Definition, and Policy

Unsafe School Choice Option Provisions

The Unsafe School Choice Option in Title IX, Part E, Subpart 2, Section 9532 sets forth the following provisions:

“(a) UNSAFE SCHOOL CHOICE POLICY.—Each State receiving funds under this Act shall establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.

(b) CERTIFICATION.—As a condition of receiving funds under this Act, a State shall certify in writing to the Secretary that the State is in compliance with this section.”

Definition of “Persistently Dangerous” Schools

In April 2002, CDE convened an advisory committee that included representatives from approximately twenty educational agencies, both large and small, from around the state; this committee helped develop California’s statewide policy definition for designating “persistently dangerous” schools. The California State Board of Education adopted the definition in May 2002.

Under California’s policy, **a public elementary or secondary school is considered to be “persistently dangerous” if both of the following conditions exists for three-consecutive fiscal years:**

- (1) The school has a federal or state gun-free schools violation or a violent criminal offense has been committed by a student or a non-student on school property, **and**
- (2) The number of expulsions for violent criminal offenses (delineated in the policy) for students enrolled in the school exceeds one of the following rates:
 - (a) For a school of fewer than 300 enrolled students, three expulsions or
 - (b) For a larger school, one expulsion for every 100 enrolled students or fraction thereof

Below is a copy of the full **State Board policy** that includes a description of the pertinent *California Education Code* violent criminal offenses and applicable definitions for

identifying “persistently dangerous” schools. The policy can also be viewed and downloaded at the following web site: www.cde.ca.gov/pr/nclb/unsafeschl.htm.

**Unsafe School Choice Option
California's Definition of a "Persistently Dangerous" School**

No Child Left Behind Act of 2001

TITLE IX, PART E, SUBPART 2, SEC. 9532. UNSAFE SCHOOL CHOICE OPTION

In the context of this act, a California public elementary or secondary school is considered to be "persistently dangerous" if each of the following two conditions exist for **three-consecutive fiscal years**:

1. The school has a federal or state gun-free schools violation or a violent criminal offense has been committed by a student or a non-student on school property **and**
2. The school has expelled students, under *California Education Code*, for any of the following offenses:
 - Assault or battery upon any school employee - Section 48915(a)(5)
 - Brandishing a knife - Section 48915(c)(2)
 - Causing serious physical injury to another person, except in self-defense - Section 48915(a)(1)
 - Hate violence - Section 48900.3
 - Possessing, selling, or furnishing a firearm - Section 48915(c)(1)
 - Possession of an explosive - Section 48915(c)(5)
 - Robbery or extortion - Section 48915(a)(4)
 - Selling a controlled substance - Section 48915(c)(3)
 - Sexual assault or sexual battery - Section 48915(c)(4)

The number of expulsions for these offenses must exceed one of the following rates:

- (a) For a school of fewer than 300 enrolled students, three expulsions
- (b) For a larger school, one expulsion for every 100 enrolled students or fraction thereof

For the purpose of this definition - "fiscal year" means the period of July 1 through June 30 (*California Education Code*, section 37200); "gun-free schools violation" means a student who is determined to have brought a firearm to a school, or to have possessed a firearm at school (federal Gun-Free Schools Act); "firearm" means handgun, rifle, shotgun or other type of firearm (section 921 of title 18, *United States Code*); "violent criminal offense" means all of the offenses identified in condition (2) above; "expulsion" means an expulsion ordered regardless of whether it is suspended or modified; "assault" means an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another (*California Penal Code*, section 240); "battery" means any willful and unlawful use of force or violence upon the person of another (*California Penal Code*, section 243); "knife" means any dirk, dagger, or other weapon as defined in the *California Education Code*, section 48915[g]; "hate violence" means any act punishable under *California Penal Code*, sections 422.6, 422.7, 422.75; "explosive" means a destructive device (section 921 of title 18, *United States Code*); "robbery" means acts described in *California Penal Code*, sections 211, 212; "extortion" means acts described in *California Penal Code*, sections 71, 518, 519; "controlled substance" means drugs and other substances listed in Chapter 2 of Division 10 of the *California Health and Safety Code* (commencing with Section 11053); "sexual assault" means acts defined in the *California Penal Code*, section 261, 266(c), 286, 288, 288(a), 289; "sexual battery" means acts defined in the *California Penal Code*, section 243.4; "enrolled students" means students included in the most current California Basic Educational Data System (CBEDS) report for the school.

ATTACHMENT 2

Persistently Dangerous School Reporting Form

Data Collection and Reporting Requirements

All LEAs and charter schools will be required to complete a standardized data collection form, (“**Persistently Dangerous School Reporting Form**”) to identify all “persistently dangerous” schools. This form will be included in the ConApp, Part I; a sample of this form is included in this Attachment. **The completion of a single form is required for each school.**

This electronic version of the ConApp provides CDE with the opportunity to streamline the process for submitting the required expulsion information. This requirement for completing the data collection form also applies to county offices of education for the schools they operate in which students are subject to expulsion proceedings.

The form covers the following reporting period: **2000-01, 2001-02, and 2002-03 fiscal years.** The total number of expulsions ordered by the governing school board during each fiscal year must be entered on the data collection form for the following violent criminal offenses (pertinent *California Education Code* Sections are referenced) that were committed by students enrolled in the school:

- 48900.3 — Hate violence
- 48915(a)(1) — Causing serious physical injury to another person
- 48915(a)(4) — Robbery or extortion
- 48915(a)(5) — Assault or battery upon any school employee
- 48915(c)(1) — Possessing, selling, or furnishing a firearm
- 48915(c)(2) — Brandishing a knife
- 48915(c)(3) — Selling a controlled substance
- 48915(c)(4) — Sexual assault or sexual battery
- 48915(c)(5) — Possession of an explosive

(Note: report expulsions ordered by the governing board must be included, regardless of whether they have been suspended, modified, or stipulated during the period of July 1 through June 30 of any of these three years.)

Please note that if a student is expelled for multiple offenses listed above on one date, the LEA reports the expulsion for the most serious violation only. For assistance in determining the order of seriousness for the nine offenses listed above, a suggested hierarchy of offenses can be used as a guide based on the Uniform Crime Code, Federal Bureau of Investigation. Related offenses included in the hierarchy in order of seriousness are as follows, beginning with the most serious offense: forcible rape, robbery/extortion, assault with a deadly weapon, battery, possession of a weapon, sexual offenses (other than forcible rape), sale or furnishing of drugs, and destructive/explosive devices. Hate crimes are not separate, distinct crimes, but rather the motivation behind a crime. For that reason, they are not separately listed on the hierarchy. The hierarchy is a

guide only. If further assistance is needed, local law enforcement agencies should be consulted.

The electronic **“Persistently Dangerous School Reporting Form”** in the ConApp, Part I, has a built-in computation feature that will automatically identify whether the school is “at-risk” of being designated “persistently dangerous” for each fiscal year based on the expulsion data entered on the form by the LEA and the supplied CBEDS enrollment data identified for the school. For a school to be “at-risk” for the “persistently dangerous” designation in a fiscal year, it must exceed one of the following rates: (a) for a school of fewer than 300 enrolled students, three expulsions or (b) for a larger school, one expulsion for every 100 enrolled students or fraction thereof. A school will be designated “persistently dangerous” if it exceeds the applicable rate above for three consecutive fiscal years

Reporting tip: It is recommended that LEAs first compile and enter a school’s expulsion data for the 2001-02 fiscal year on the form. If the school is not determined to be “at-risk” of being identified as “persistently dangerous” for the 2001-02 fiscal year, based on criteria in the State Board policy for designating “persistently dangerous” schools (see Attachment 1), it is not necessary to enter expulsion data on the reporting form for the 2000-01 fiscal year. If, however, the school is determined to be “at-risk” for being identified as a “persistently dangerous” school for the 2001-02 fiscal year, then expulsion data also must be collected and entered on the reporting form for the 2000-01 fiscal year. Expulsion information must be reported on the form for the 2001-02 and 2002-03 fiscal years.

LEAs are encouraged to allow sufficient time to gather all pertinent expulsion information for the 2000-01, 2001-02, and 2002-03 fiscal years to ensure that the “Persistently Dangerous School Reporting Form” for each school is complete at the time the ConApp, Part I is submitted to CDE. LEAs should retain copies of relevant support documentation used to complete the “Persistently Dangerous School Reporting Forms” for at least three years for audit purposes.

By July 1, 2003, based on the expulsion information electronically submitted by the LEAs via the ConApp, CDE will begin officially designating “persistently dangerous” schools and notifying affected districts and county offices of education. As soon as CDE designates schools as “persistently dangerous,” CDE will ensure that the respective LEAs receive prompt notification via certified mail or other means. Please note, however, that some LEAs may determine in advance of submitting their completed ConApp, Part I that they have one or more schools that meet the “at-risk” criteria of being designated “persistently dangerous” consecutively for each of the 2000-01, 2001-02, and 2002-03 fiscal years. While these LEAs still must submit the “Persistently Dangerous School Reporting Forms” for those schools, they may begin implementing actions required of LEAs for schools identified as “persistently dangerous” without waiting for the official designation from CDE that the schools are “persistently dangerous.” The required actions, which include notifying parents, offering student transfers, completing student transfers, and developing corrective action plans, are described below.

Any LEA failing to submit complete “Persistently Dangerous School Reporting Forms” will be subject to the withholding of NCLB funding until the information is provided.

ATTACHMENT 3

Required Actions

CDE Required Actions Regarding “Persistently Dangerous” Schools

In July 2002, the U.S. Department of Education released its *Draft Non-Regulatory Guidance* that provides direction to States in administering various aspects of the USCO requirements. This publication can be viewed and downloaded at the following web site:

www.ed.gov/offices/OSDFS/unsafeschoolchoice.pdf.

The guidance indicates that each State must be prepared to implement the required transfers of students no later than the start of the 2003-04 school year. To fully comply with this requirement, the State Board clarified in December 2002 that expulsion information, as specified in the State Board policy, must be collected for the 2000-01, 2001-02, and 2002-03 fiscal years to determine “persistently dangerous” schools. Students attending any “persistently dangerous” school **or** students who become victims of violent criminal offenses while in or on the grounds of the school they attend must be allowed to transfer to a safe school at the beginning of the 2003-04 school year.

To help facilitate implementation and ensure statewide compliance with the USCO requirements, LEAs are encouraged to thoroughly review the guidance provisions.

As outlined in the *USCO Draft Non-Regulatory Guidance*, CDE will do the following:

- (1) Based on the expulsion information provided by LEAs, CDE will officially designate as “persistently dangerous” schools that have exceeded their expulsion rate threshold for each of the three fiscal years (2000-01, 2001-02, and 2002-03). (Reference Section B-1, *Guidance*)
- (2) CDE will notify affected LEAs of schools designated “persistently dangerous” and require the LEA to submit a corrective action plan for approval for each “persistently dangerous” school. (Reference Section C-3, *Guidance*)
- (3) CDE will provide USDE with the number of California public schools that have been designated “persistently dangerous” for the 2003-04 school year. (Reference Section B-8, *Guidance*)
- (4) CDE, to the extent possible, will monitor the progress of all LEA approved corrective action plans and provide technical assistance. (Section C-3, *Guidance*)

Actions Required of LEAs for Schools Identified as “Persistently Dangerous”

The *USCO Draft Non-Regulatory Guidance* indicates that an LEA that has one or more schools identified as “persistently dangerous,” must in a timely manner:

- (1) Notify parents of each student attending the school that the State has identified the school as persistently dangerous (Sections C-1 and C-2, *Guidance*)—generally, an example of timely

notification to parents or guardians is within ten school days from the time that the LEA learns that the school has been identified as persistently dangerous;

- (2) Offer students the opportunity to transfer to a safe public school, including a safe public charter school, within the LEA (Sections C-1 and C-2, *Guidance*)—an example of a timely offer to students of the opportunity to transfer generally is within twenty school days from the time the LEA learns that the school has been identified as persistently dangerous (*Note: parental notification regarding the status of the school and the offer to transfer students may be made simultaneously*); and
- (3) For those students who accept the offer, complete the transfer—transfers of students generally should occur within thirty school days. (Section C-2, *Guidance*)

LEAs are encouraged to take into account the needs and preferences of the affected students and parents for students opting to transfer (Section C-9, *Guidance*). If there is not another school within the area served by the LEA for transferring students, the LEA is encouraged, but not required, to explore other appropriate options such as an agreement with a neighboring LEA to accept transfer students. (Section C-11, *Guidance*)

Please note that students who have been assigned to a particular school, e.g., an alternative school or juvenile court school, due to the students' violent or criminal behavior, or for disciplinary reasons sufficiently serious to justify placement in a particular learning environment, are not entitled to this school transfer option.

Additionally, LEAs should:

- (4) Develop a corrective action plan and submit it to CDE for approval (Sections C-1, C-2, and C-3, *Guidance*)—an example of timely development of a corrective action plan generally is within twenty school days from the time the LEA learns that the school has been identified as persistently dangerous; and
- (5) Implement that plan in a timely manner. (Section C-1, *Guidance*)

Transfer Option for Victims of Violent Crimes

In accordance with the USCO requirements, any student attending a California public elementary or secondary school who becomes a victim of a violent crime while in or on the school grounds must be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.

To help assure compliance with this USCO requirement, it is imperative for each COE and school district to review its policies to ensure that its governing board has adopted a policy that implements the **victim transfer option**. In applying this option, LEAs should consider the specific circumstances of incidents on a case-by-case basis and consult with local law enforcement agencies, as appropriate, in determining whether a student is the victim of a violent criminal offense as provided for in the *California Penal Code*. Primary examples of violent criminal offenses in the *Penal Code* include attempted murder, battery with serious bodily injury,

assault with a deadly weapon, rape, sexual battery, robbery, extortion, and hate crimes. *Policies that allow the victim transfer option must be in effect no later than the start of the 2003-2004 school year.* Section E of the *USCO Draft Non-Regulatory Guidance* provides additional information to help local education agencies administer the victim transfer option. Each local educational agency should maintain appropriate records for at least three years for audit purposes to demonstrate compliance with this federal requirement—i.e., policy statements, procedures, and school transfer records of student victims.

Actions Required of LEAs for Students Who Have Been Victims of a Violent Criminal Offense

The *USCO Draft Non-Regulatory Guidance* (Section E-1, *Guidance*) indicates that an LEA should offer, generally within ten calendar days, an opportunity transfer to a safe public school (including public charter schools) within the LEA to any student who has become the victim of a violent criminal offense while in or on the grounds of a public school that the student attends.

LEAs are encouraged to take into account the needs and preferences of the affected students and parents for student victims opting to transfer (Section E-3, *Guidance*). If there is not another school within the area served by an LEA for transferring students, the LEA is encouraged, but not required, to explore other appropriate options such as an agreement with a neighboring LEA to accept transfer students (Section E-4, *Guidance*).

Please note that some students are assigned to a particular school (e.g., an alternative school or juvenile court school) due to the students' violent or criminal behavior, or for disciplinary reasons sufficiently serious to justify placement in a particular learning environment. For students placed in such a setting and who become victims of violent crimes, LEAs are encouraged to the extent possible to move them to a safer environment.

Local Education Agency Plan Timeline

February 26, 2003	Local Education Agency (LEA) Plan posted on CDE website; all Local Education Agencies required to submit a plan are notified.
June 1, 2003	LEA Plans due to CDE
June 2 – 6	CDE screens LEA Plans
June 9 – 13	1 st LEA Plan Reading Conference
June 23 – 27	2 nd LEA Plan Reading Conference
July 9 - 10	LEA Plans to State Board for approval